GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Yenugupalli Niranjini Devi, D/o Venkanna, Sarpanch, Grampanchayat, Rampachodavaram, East Godavari District, against the proceedings No. R.Dis. C5/M/390/2015, dated 16.01.2018 of the District Collector, East Godavari, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition allowed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.14 Dated: 06.02.2019
Read the following:

1. Proceedings of the District Collector, East Godavari, R.Dis.C5/M/390/2015, dated 16.01.2018.
2. Appeal Petition filed by Smt. Yenugupalli Nirajini Devi D/o Venkanna, Sarpanch, Gram Panchayat, Rampachodavaram, before the Government on 31.01.2018.
3. Govt. Memo No.1026942/CV.2/2018, dated 05.02.2018.
4. The Order of the Hon'ble High Court of AP, Hyderabad in WP.No.3468/2018, dated 05.02.2018 filed by Smt. Yenugupalli Nirajini Devi.
5. From Smt. Karukodi Posamma W/o Gandhi, M.P.T.C., Rampahodavaram, representation dt: nil & received through Hon'ble M(SWE&TWE), Endt. No.1031/SW&TW/2018, dated 21.02.2018.
6. From Smt. Karukodi Posamma W/o Gandhi, M.P.T.C., Rampahodavaram, representation dt: 23.01.2018.
7. Govt. Memo No.1026942/CV.2/2018, dated 2.03.2018.
8. Written arguments filed by the appellant, before the Appellate Authority on 07.04.2018.
9. From Smt. Karukodi Posamma W/o Gandhi, M.P.T.C., representation filed before the Appellate Authority on 07.04.2018.
10. From the District Collector, East Godavari, Lr.No.Ref.C5/M/390/2015, dated 23.05.2018.

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ORDER:

In the reference 1st read above, the District Collector, East Godavari has issued orders cancelling ST-Valmiki caste certificate obtained by Smt. Yenugupalli Niranjini Devi, D/o Venkanna.

2. In the reference 2nd read above, Smt. Yenugupalli Niranjini Devi, D/o Venkanna, Sarpanch, Grampanchayat, Rampachodavaram, East Godavari District, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, East Godavari. After examining the said Appeal Petition, Government have admitted & stay granted on the proceedings, dated 16.01.2018 of the District Collector, East Godavari and called for the parawise remarks and connected records from the District Collector, East Godavari in the reference 3rd read above.

3. In the reference 4th read above, Smt. Yenugupalli Niranjini Devi, D/o Venkanna has filed W.P.No.3468/2018 before the Hon'ble High Court against the proceedings No.R.Dis. C5/M/390/2015, dated 16.01.2018 of the District Collector, East Godavari. The Hon'ble High Court of A.P., while disposing the said WP on 05.02.2018 has directed the Government to pass appropriate orders on the stay application, dated 31.01.2018, filed by the petitioner herein, seeking stay of the order passed by the District Collector, within a period of three weeks from the date of receipt of a copy of the order and pending consideration of the stay application, no coercive action shall be taken against the petitioner herein and the Government shall also make endeavour to pass final order on the appeal, as expeditiously as possible.

4. In the references 5th & 6th read above, Smt. Karukodi Posamma W/o Gandhi, M.P.T.C., Rampachodavaram has filed representations before the Government, with a request to annul the orders issued in Govt. Memo dated 05.02.2018 by study/ observation of the documents produced by her.

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5. In the reference 10th read above, the District Collector, East Godavari has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Smt. Yenugupalli Niranjini Devi, D/o Venkanna.

6. The said Appeal Petition has been posted for hearing on 07.04.2018 and the same has been informed to the Appellant and the Counsel for the Appellant / implead party in the reference 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant/ the counsel for the appellant / un-official respondent i.e. Smt. Karukodi Posamma W/o Gandhi were attended for the hearing on 07.04.2018 & the appellant through his counsel has filed written arguments in-support of her ST-Valmiki community claim, before the Appellate Authority in the reference 8th read above and the un-official respondent i.e. Smt. Karukodi Posamma W/o Gandhi has also filed representation before the Appellate Authority in the reference 9th read above.

7. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, East Godavari and proceedings of the District Collector, East Godavari dated 16.01.2018 , the Appellate Authority is observed that :

I. The appellant in her grounds has stated that the appellant is a permanent resident of Rampachodavaram and belongs to ST-Valmiki community and before the DLSC she appended the Village Revenue Officer Certificate dt.26.05.2015 holding that she belong to the ST Community. The Mandal Revenue Officer Certificate in respect of her social status was also appended. The report of the Grama Sabha dt.29.07.2015 which confirmed that she belong to ST Community was also appended. The Rampachodavaram agency elders gave a statement to the extent that she belongs to ST Community and equally the report of Grama Sabha of PESA COMMITTEE. The District Valmiki Committee on 28.03.2015, gave a statement to the extent that she belongs to ST Community. In the same manner, the Sarpanch, Ward Members Committee, MPTCs of Rampachodavaram and Tribal elders also certified that she belongs to ST Community. She has further stated that the entire community of ST Valmiki of Rampachodavaram has accepted her as a person belonging to their fold and the DLSC has delved into trivial issues such as the variations in the date of death of her father in 1934 from the variations in the scholastic records of her statement in regard to date of birth which absolutely have no bearing on the list.

II. Further she has stated that a cursory glance of death register pertaining to the Yenugupalli clan relied upon by the Revenue authorities as original goes to show that Yenugupally clan belongs to VALMIKI-Community and despite production of necessary supporting documents touching the anthropological and ethnological traits of the kins-folk of the appellant, the authorities failed to examine/ Scrutinize the voluminours records filed by the appellant in support of her claim.The appellant produced ample documentary evidence to show about the genealogical traits of her kins-folk more particularly BORRA and GORRLE clan of RAMPA agency.

III. The District Level Scrutiny Committee has observed that as per the Sub-Collector, Rampachodavaram in gramasabha some of the villagers attended and they have not submitted any evidences in support of her caste claim. The villagers said that they know about her father Yengupalli Venkanna, but they did not know about her grandfather Yenugupalli Nagayya. The Tahsildar submitted that, there is no proof of land property (either agriculture land or non-agriculture land i.e., house sites) possessed by her ancestors in Rampachodavaram village before 1950 (in which the year the survey of land was done in Rampachodavaram village) in the Revenue records and the relatives of Smt. Y.Niranjani Devi namely Yenugupalli Ratnakumari D/o Nookaraju and Sri Yenugupalli sahadevdu was stated in Rs.10/- Bond paper that they are residing in Gokavaram village from our ancestors and they are belonging to S.C. community and there is no relationship and any other relationship with the tribes who are residing at agency area of Rampachodavaram. The RDO, Rampachodavaram has conducted a detailed enquiry and also conducted gramasabha, he examined the birth and death registers, land records the relatives of the appellant deposed before the enquiry officer, that they belong to SC community they are not having any relationship with the tribal people who residing in agency track. There is no proof that they are resided in agency track prior to 1950. Further the Tahsildar and RDO, Rampachodavaram have reported that the extracts of birth

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register produced by the appellant are no true extracts when compare to originals and it is observed that the entries are over written, erased and inter Politian are rear and it is presumed that the entries in birth and death registers are tampered. Before the DLSC, the appellant has submitted bundle of documents which were paper clippings, photos, previous caste certificates and school certificates and birth and death registers. The DLSC has examined the documents which were not at all supportive to her caste claim. The candidate submitted birth and death registers which were tampered documents as per the report of the Tahsildar, Rampachodavaram and Sub-Collector, Rampachodavaram. Based on the findings of the DLSC the appellant has cancelled the appellant's ST-Valmiki caste certificate.

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority is observed that during the course of hearing of the case, the appellant submitted her arguments as per her grounds in appeal petition and stated that the lower authority failed to observe that her father, Grandfather and the relatives of her peternal side and maternal side belongs to Valmiki caste as such she also belongs to ST and her caste certificate was issued basing on the due verification and enquiry and ST Community accepted her and further stated that the DLSC failed to observe the same and prayed to set -aside the impugned order of the lower authority. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that as per the report of Grama Sabha it confirmed that the appellant belongs to ST community and further observed that the appellant practicing the traditions and customs of Valmiki community and tribal society accepted her and further she brought up as ST. The said evidence clearly establishes that the appellant belongs to ST Valmiki caste and she able to discharge her burden as per the act and rules. It is further noticed that the lower authority cancelled the caste certificate of the appellant only on the basis of arising a doubt of caste claim of the appellant without properly looking in to the case of the appellant. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority failed to observe the finding of the concerned above.

8. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), hereby allowed the Appeal Petition filed by Smt. Yenugupalli Niranjini Devi, D/o Venkanna, by upholding her Scheduled Tribe(Valmiki) community claim and the Proceedings of the District Collector, East Godavari issued in the reference 1st read above are set- aside.

9. The District Collector, East Godavari is directed to take necessary consequential action in the matter.

10. The records (containing in C5/M/390/15 of (2) Volumes ie., CF:1 to 1138 & CF:1139 to 1564 and NF:1-31 on Special Booklet with photo documents) received from the District Collector, East Godavari through the reference 10th read above, are returned herewith in original to the District Collector, East Godavari and he is requested to acknowledge the receipt of the same, immediately.

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, East Godavari.
(with original records) (BY RPAD)

The Revenue Divisional Officer, Rampachodavaram.

The Tahsildar, Rampachodavaram, East Godavari District.

Smt. Yenugupalli Nirajini Devi,
D/o Venkanna,
Sarpanch, Gram Panchayat,
Rampachodavaram, East Godavari District.

Sri Katram Ramadasu Dora,
S/o Abbaidora, Vadapalli Narasapuram (V),
Maredumilli Mandal, East Godavari District.

[Contd..on P.4]

Sri M.V.R. Prakash, Advocate,
Rampachodavaram, East Godavari Dist.

Smt. Karukodi Posamma W/o Gandhi,
M.P.T.C.,
Rampahodavaram,
East Godavari District.

The District Panchayat Officer, East Godavari.

Copy to:

The Director, TCR& TI, AP, Amaravati.
The PS to Hon'ble M(TWE&HFW)
The PS to Principal Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER